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*Counsel to the Official Committee of Tort Claimants*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
PACIFIC GAS AND ELECTRIC  
COMPANY,  
  
Defendant,

Case No. 14-cr-00175-WHA

**FOURTH DECLARATION OF THOMAS  
SCOTT HYLTON**

1 I, Thomas Scott Hylton, pursuant to 28 U.S.C. § 1746, declare the following under penalty  
2 of perjury:

3 1. I have been retained by Baker & Hostetler, LLP as an expert witness for the Official  
4 Committee of Tort Claimants (the “TCC”) in connection with the Pacific Gas & Electric (“PG&E”)   
5 chapter 11 bankruptcy case (Case No. 19-30088 (DM)) and estimation proceedings (Case No. 19-  
6 05257 (JD)). All statements in this Declaration are based upon my personal knowledge developed  
7 during the course of my engagement with the TCC.

8 2. I have 37 years of experience climbing, inspecting, maintaining, and repairing  
9 transmission lines. By the time I retired in 2013, I held the position of superintendent managing a  
10 department of approximately 200 line workers. I have also instructed countless individuals, both in  
11 the classroom and in the field, about safe transmission line practices and procedures. These are the  
12 subject areas within my expertise and for which I was hired by the TCC. I never claimed to be an  
13 expert in metallurgy or engineering.

14 3. PG&E’s focus on metallurgy is a distraction and beside the point. According to  
15 PG&E’s own procedures, the company does not want equipment in the condition of the Cresta-Rio  
16 Oso Tower 09/81 connection hardware on its transmission towers—that is why it slates them for  
17 removal and replacement beginning at 30% material loss. At between 30% and 50% material loss  
18 on a C-hook or hanger plate, PG&E’s own procedures state that replacement is due within 1 year.  
19 At 51% material loss, PG&E’s own procedures require immediate replacement. One of the hanger  
20 plates removed from the Cresta-Rio Oso Tower was a mere percentage point from requiring  
21 immediate replacement at 49%, which should have set off alarm bells, not formed the basis for a  
22 defense before this Court.

23 4. Despite PG&E’s company requirements for equipment removal and replacement at  
24 different intervals of material loss, it has become clear through this investigation that it is extremely  
25 difficult, if not impossible, for anyone to accurately determine how much wear is on either a C-  
26 hook or hanger plate when they are joined together and in service on a transmission tower.

27 5. PG&E’s linemen are also not engineers or metallurgists. In filings submitted to this  
28 Court, PG&E attempted to excuse the failure of its crewmembers to accurately identify wear on

1 PG&E equipment by pointing to problems caused by light and shadows, and “the general difficulty  
2 of assessing the extent of wear on a C-hook and hanger plate without separating the two interlocking  
3 pieces to observe any material loss on the contact surfaces.” But those excuses only highlight the  
4 problems with PG&E’s inspection protocols. The “general difficulty” to which PG&E refers should  
5 have resulted in added and better inspections.

6 6. PG&E’s personnel underestimated the amount of material loss on the connection  
7 hardware on the Cresta Rio Oso Tower 09/81 during two enhanced inspections in 2019 when no  
8 material loss was identified. PG&E’s inspectors entirely missed the material loss and PG&E has  
9 provided no reasonable explanation for its failure. And, even in January 2020, after I brought the  
10 wear issues to their attention, PG&E estimated the loss was as low as 30%. PG&E’s final  
11 measurements after removal were 43% and 49% for the two hanger plates.

12 7. Due to the repeated failure to identify material wear on its component parts, it is my  
13 opinion that PG&E has not shown the ability to accurately assess connection hardware while it is  
14 present on the line—therefore, this equipment must be taken down and separated to be properly  
15 analyzed. If it were not for my initial letter and photographs, PG&E would not have identified the  
16 Tower 09/81 connector parts for replacement at all.

17 8. The photographs I took while on the ground in both 2018 and 2019 clearly showed  
18 material loss in several C-hooks along the Cresta-Rio Oso Line. While PG&E’s inspection  
19 protocols do include taking drone photographs from the air, the drone photographs produced to this  
20 court by PG&E are not as clear as the photographs I took of the same component parts and lack the  
21 level of detail required to view hardware issues on the transmission towers, thereby resulting in  
22 inadequate inspections. Cresta-Rio Oso Tower 09/81 is just one tower in PG&E’s system but it is  
23 within site of the Caribou-Palermo Tower 27/222 that failed and caused the Camp Fire. In my  
24 opinion, PG&E’s inspection protocols failed to identify an obvious condition that should have led  
25 to replacement of the components on the Cresta-Rio Oso line. I am concerned that if they missed  
26 this one, how many others have they missed?

27 9. In its motion, PG&E questioned my reasons for not identifying the hardware issues  
28 I observed on the Cresta-Rio Oso 230kV Transmission Line sooner. I first observed the Cresta-Rio

1 Oso Line in my capacity as an expert witness for a victim of the Camp Fire—I was there to observe  
2 an evidence removal from Tower 27/222 on the Caribou-Palermo Line that was the origin point of  
3 the Camp Fire. The bottom phase jumper and support arm of Tower 27/222 had already been  
4 removed before I arrived on site. I noticed Cresta-Rio Oso Line Tower 09/81 (which was right next  
5 to Tower 27/222) appeared to have the same tower configuration as Tower 27/222 and I took  
6 several photos for comparison purposes.

7 10. I noticed one of the C-hooks on Tower 09/81 had black electrical tape on it. I also  
8 noticed from the photographs the C-hooks and/or connecting plates appeared to be significantly  
9 worn. At that time, I did not know about the hardware issues that caused the Camp Fire or that a  
10 failed C-hook caused the fire.


11 11. While I was on site for the evidence removal from Tower 27/222 in 2018, PG&E  
12 had several representatives on-site facilitating the inspection. It was inconceivable to me at that  
13 time (and now) that PG&E's many, many personnel at the Camp Fire ignition site would not  
14 identify, then, **or at any subsequent point until I brought it to PG&E's attention a year later,**  
15 the issues presented on Tower 09/81, which were observable to me from ground level. Tower 09/81  
16 appeared to be of a similar vintage, had the same configuration, and was subject to identical weather  
17 and environmental influences as Caribou-Palermo Tower 27/222. No one would have more  
18 information about this tower than PG&E itself.

19 12. When I returned to observe Tower 09/81 a year later, I was completely shocked and  
20 horrified to see that PG&E had done nothing about this badly worn equipment in the interim—  
21 especially **after it had determined that it was a failed C-hook that caused the Camp Fire and**  
22 **killed 85 people.**

23 13. After my second visit to Tower 09/81 in 2019, I immediately informed the TCC's  
24 counsel of my observations, and we later decided together that we should inform PG&E and this  
25 Court of the issues I found. Both the TCC and I were concerned about the safety of the Paradise  
26 and surrounding communities who had already lost so much should PG&E's equipment fail and  
27 ignite another fire.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

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4 Dated: Sacramento, CA  
May 20, 2020

  
Thomas Scott Hylton

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